



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,983	08/13/2001	Barry J. Gilhuly	1400-1072 P6	8317
54120 7590 01/25/2010 RESEARCH IN MOTION ATTN: GLENDA WOLFE BUILDING 6, BRAZOS EAST, SUITE 100 5000 RIVERSIDE DRIVE IRVING, TX 75039				
EXAMINER				
STRANGE, AARON N				
ART UNIT		PAPER NUMBER		
2448				
NOTIFICATION DATE		DELIVERY MODE		
01/25/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

portfolioprossecution@rim.com



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address : COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09928983	8/13/2001	GILHULY ET AL.	1400-1072 P6

EXAMINER

AARON STRANGE

ART UNIT	PAPER
2448	20100114

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

1. Newly submitted claims 226-241 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: New claims 226-241 are directed to a method/system for distributing keys to be used for encryption of data items sent between a messaging server and a mobile device. In contrast, the previously presented claims were directed to a method/system for redirecting encrypted data items.

It is noted that applicant's claims no longer contain any limitations directed to redirecting data items, which was the primary focus of the original claims presented on 8/13/2001, and that Applicant has characterized the new claims as intended to obtain coverage for "hitherto unclaimed subject matter" (Remarks 9). However, the appropriate mechanism for presenting claims directed toward previously unclaimed subject matter is a continuation application, not an application which has previously received an Office action on the merits.

Since Applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 226-241 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. The reply filed on 10/30/2009 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): All pending claims are directed to a non-elected invention. Applicant must cancel the pending claims and present claims directed to the originally elected invention, or abandon the present application. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

/Aaron Strange/
Primary Examiner, Art Unit 2448